

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

JOSE FAVIO MOLINA JEREZ,)	
)	
Petitioner,)	8:08CV522
)	
v.)	
)	
JEFFREY LYNCH, Director of)	ORDER TO SHOW CAUSE
Immigration and Customs)	
Enforcement, Omaha Office;)	
MICHAEL B. MUKASEY, Attorney)	
General; and MICHAEL CHERTOFF,)	
Secretary of Department of)	
Homeland Security,)	
)	
Respondents.)	
_____)	

This matter is before the Court on petitioner Jose Favio Molina Jerez's petition for writ of habeas corpus (Filing No. [1](#)), motion for temporary restraining order (Filing No. [10](#)), and motion for declaratory and injunctive relief (Filing No. [21](#)), and on respondents Jeffrey Lynch, Michael Mukasey, and Michael Chertoff's motion to dismiss and response (Filing No. [24](#)).

On December 4th, 2008 (See Filing No. [13](#)), and at this Court's direction, Magistrate Judge Thalken ordered that "[a]ny proceeding or action to remove Jose Favio Molina Jerez from the United States of America to Guatemala is hereby stayed until further order of the court." (Filing No. [3](#), at ¶ 3.) On Thursday, January 8th, 2009, the respondents "provide[d] notice of reinstatement of the final order of removal" (Filing No. [19](#), at ¶ 8.) It appears to the Court that the respondents'

reinstatement of the final order of removal may be a proceeding or action to remove Jerez from the United States in violation of this Court's December 4, 2008, order. Accordingly,

IT IS ORDERED:

1) The parties shall appear before the Court on

Wednesday, February 18, 2009, at 9 a.m.

and respondents shall show cause why the Form I-871, notice of intent/decision to reinstate prior order in this case, should not be quashed as a sanction for violation of this Court's order of December 4, 2008 (Filing No. 3).

2) At the aforementioned hearing, the parties shall be prepared to discuss all issues pending before the Court.

DATED this 10th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court